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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,240	09/03/2004	Mark Daniel Gorman	129661	5239
30952	7590	09/04/2008		
HARTMAN AND HARTMAN, P.C. 552 EAST 700 NORTH VALPARAISO, IN 46383				
EXAMINER				
FLETCHER III, WILLIAM P				
ART UNIT		PAPER NUMBER		
1792				
NOTIFICATION DATE		DELIVERY MODE		
09/04/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gayle@hartmaniplaw.com  
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### Office Action Summary

**Application No.**

10/711,240

**Applicant(s)**

GORMAN ET AL

**Examiner**

William P. Fletcher III

**Art Unit**

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S5/ICE)  
Paper No(s)/Mail Date 04/11/2008
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. The amendment and remarks filed May 27, 2008, are noted with appreciation.
2. Claims 1-20 remain pending.

***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on April 11, 2008, was filed after the mailing date of the non-final Office action on March 26, 2008. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Response to Arguments***

4. Applicant's arguments filed May 27, 2008, have been fully considered but they are not persuasive.

A. The Examiner acknowledges that US '901 does not expressly recite the term "overlay coating." It is the Examiner's position that additive zone 72 functions as an overlay coating in a fashion consistent with the evidence presented by Applicant. It is only diffusion zone 74 that diffuses into the underlying substrate (to diffusion zone 76); additive zone 72 does not.

***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-4 and 6-11 rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0150901 A1 in view of US 6,153,313 A.

A. US '901 is cited for the same reasons as set forth under this heading in the prior Office action.

B. The claimed inter-metallic coating would have been obvious in view of the teaching of US '313 as explained in connection with claims 6-11 in the prior Office action.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0150901 A1 in view of US 6,153,313 A, as applied to claim 1 above, further in view of US 4,743,514 A.

A. US '901 and US '313 are applied as detailed above.

B. Neither references explicitly states that the overlay is applied by PVD.

C. US '514 teaches that aluminum-containing overlay coatings may be applied by a variety of PVD techniques [3:14-22].

D. It would have been obvious to one skilled in the art to modify the process of US '901 in view of US '313 so as to deposit the overlay by PVD. One skilled in

the art would have been motivated to do so by the desire and expectation of successfully depositing the coating, based on the teaching of US '514 is a suitable technique for doing so.

9. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0150901 A1 in view of US 6,153,313 A, as applied to claim 1 above, further in view of US 5,482,789 A.

A. US '901 and US '313 are applied as detailed above.

B. The claimed superalloys would have been obvious in view of the teaching of US '789 as explained in connection with the rejection of these claims in the prior Office action.

10. Claims 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0150901 A1 in view of US 6,153,313 A, as applied to claim 1 above, further in view of US 5,455,120 A.

A. US '901 and US '313 are applied as detailed above.

B. The claimed superalloys would have been obvious in view of the teaching of US '120 as explained in connection with the rejection of these claims in the prior Office action.

11. Claims 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0150901 A1 in view of US 6,153,313 A and US 5,482,789 A or US 5,455,120 A.

A. These claims are rejected for the same reasons as set forth under this heading in the prior Office action and as explained above.

***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Fletcher III whose telephone number is (571) 272-1419. The examiner can normally be reached on Sunday, 5:00 AM - 12:00 PM and Monday through Friday, 5:00 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy H. Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/William Phillip Fletcher III/**  
Primary Examiner

September 1, 2008